

**WAGANAKISING ODAWAK STATUTE # 2014-  
COMPENSATION FOR TRIBAL COUNCIL**

**SECTION I.           PURPOSE**

This Compensation Statute is hereby enacted to establish the compensation levels for the Tribal Council based on Constitutional duties. This Statute replaces and repeals Waganakising Odawak Statute 2010-017 Constitutionally Mandated Compensation for Tribal Council Members, Waganakising Odawak Statute 2008-014 Constitutionally Mandated Compensation Statute Waganakising Odawak Statute 2003-05 *Tribal Council Compensation* and WOS 2005-04 *Constitutionally Mandated Compensation* and any previous Statute, Resolution or Policy language with regard to compensation levels for such positions as stated in this purpose.

**SECTION II.          DEFINITIONS**

- A.**       “*Annual Salary*” means the amount of annual compensation paid during the calendar year for attendance at regularly scheduled Tribal Council meetings, work-sessions, special or emergency meetings, legislative committee meetings, phone-polls, phone conferences or electronic meetings, LTBB tribal trainings, hearings, and any other activity in conjunction with carrying out Tribal Council Constitutional duties or any relevant Statute.
- B.**       “*Compensation*” means an annual compensation to be paid in equal increments and shall follow the practice of the Little Traverse Bay Bands of Odawa Indians governmental employees.
- C.**       “*Tribal Constitution*” means the LTBB Constitution adopted by the Tribal Membership February 1, 2005.
- D.**       “*Tribe*” shall mean the Little Traverse Bay Bands of Odawa Indians.

### **SECTION III. COMPENSATION CHANGE RESTRICTIONS**

Any statutory amendment changing the level of compensation for a Tribal Council members must be enacted before the Election Board distributes candidate petitions for the next election.

### **SECTION IV. COMPENSATION ESTABLISHED**

**A.** Cost of Living Allowance, (COLA). The below stated compensation shall be subject to COLA, and shall be accumulative in its effect. The amount and timing of any adjustments of the compensation for COLA shall follow the practice of the Tribal government employees. The following Tribal Council positions will be compensated as follows:

1. Legislative Leader, \$35,000.00, plus accumulative COLA
2. Tribal Treasurer, \$35,000.00, plus accumulative COLA
3. Tribal Secretary, \$35,000.00, plus accumulative COLA
4. Six (6) Tribal Council members; \$30,000.00, plus COLA

**B.** The above compensation shall be subject to federal and state (if applicable) taxation. Tax withholdings are elective and may be withheld from each payment.

**C.** Additionally Tribal Council members shall be able to participate in the following: contributions to the Tribe's retirement plan or a similar plan shall be allowed with the same conditions and restrictions applied to Tribal employees and other contributors in the Tribal Government Retirement plan including health insurance, life insurance and other Tribal insurance programs at the same rate as governmental employees.

Waganakising Odawak Statute Compensation For Tribal Council

Secretary Shananaquet \_\_\_\_

## **SECTION V. TRAVEL EXPENSE**

Travel expenses for approved travel shall be reimbursed at the same rate as allowed employees in the Tribal Council approved Tribal Governmental Employees Travel Reimbursement Policy, or as amended.

## **SECTION VI. COMPENSATION PROHIBITIONS**

Persons receiving compensation authorized by this Statute shall be prohibited from:

- A.** Receiving unemployment compensation for any reductions or termination of said compensation.
- B.** Receiving any other type of payment for compensation not explicitly listed in this Statute, including stipends. Stipend means a set amount of money paid for attendance.
- C.** Receiving overtime provision.

## **SECTION VII. EMPLOYMENT**

In accordance the Tribal Constitution, Tribal Council members if employed as enterprise employees of a Tribal enterprise may not hold more than one fulltime paid position, even if they decline pay for one of the positions.

## **SECTION VIII. SEVERABILITY**

If any section, subsection, paragraph, sentence, phrase or portion of this Statute is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion

shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

#### **SECTION IX. EFFECTIVE DATE**

Effective upon signature of the Executive or thirty (30) days from Tribal Council approval whichever comes first or if the Executive vetoes the legislation, then upon Tribal Council override of the veto, but shall not be implemented until after the next election and until the next Tribal Council or individual councilors are sworn in.

### CERTIFICATION

As the Tribal Council Treasurer and Tribal Council Secretary, we certify that this Statute was duly passed by the Tribal Council of the Little Traverse Bay Bands of Odawa Indians at a regular meeting of the Tribal Council held on December 18, 2014 at which a quorum was present, by a vote of    in favor, opposed, abstentions, and    absent as recorded by this roll call:

	<u>In Favor</u>	<u>Opposed</u>	<u>Abstained</u>	<u>Absent</u>
Bill A. Denemy	_____	_____	_____	_____
John W. Keshick III	_____	_____	_____	_____
Beatrice A. Law	_____	_____	_____	_____
Michael J. Naganashe	_____	_____	_____	_____
Aaron Otto	_____	_____	_____	_____
Winnay J. Wemigwase	_____	_____	_____	_____
Julie A. Shananaquet	_____	_____	_____	_____
Marcella R. Reyes	_____	_____	_____	_____
	_____	_____	_____	_____

Date: \_\_\_\_\_  
\_\_\_\_\_ Marcella Reyes, Treasurer

Date: \_\_\_\_\_  
\_\_\_\_\_ Julie A. Shananaquet, Secretary

Received by the Executive Office on \_\_\_\_\_ by \_\_\_\_\_

Pursuant to Article VII, Section D, Subsection 1 of the Little Traverse Bay Bands of Odawa Indians Constitution adopted on February 1, 2005 the Executive concurs in this action of the Tribal Council.

Date: \_\_\_\_\_  
\_\_\_\_\_ Regina Gasco Bentley, Tribal Chairperson